

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

APRIL MOTT,)	
)	
Plaintiff,)	
)	
vs.)	No.:
)	
CITY OF BELLEVILLE, OFFICER TIM LAY,)	
Badge #104, OFFICER MARK KROENIG,)	
Badge #105, OFFICER CLAYTON GREEN,)	
Badge #140, and K-9 OFFICER JORDAN)	
)	
Defendants.)	

COMPLAINT AT LAW

COUNT I - CIVIL RIGHTS

NOW COMES Plaintiff, **APRIL MOTT**, by and through her attorneys, **THE MUTRUX LAW FIRM**, and complaining of Defendants, **CITY OF BELLEVILLE, OFFICER TIM LAY, Badge #104, OFFICER MARK KROENIG, Badge #105, OFFICER CLAYTON GREEN, Badge #140 and K-9 OFFICER JORDAN**, and states as follows:

1. That this action arises under the Constitution and laws of the United States and Constitution and laws of the State of Illinois.
2. That at all times pertinent to the Complaint at Law, the Defendants **OFFICER TIM LAY, Badge #104, OFFICER MARK KROENIG, Badge #105, OFFICER CLAYTON GREEN, Badge #140 and K-9 OFFICER JORDAN**, were police officers for the CITY OF BELLEVILLE, acting in the course and scope of their employment.
3. That at all times pertinent hereto, the CITY OF BELLEVILLE, was a municipal corporation, established and operating under the laws of the United States and the State of Illinois, and through its operations, established and organized the Belleville Police Department.

4. That at all times mentioned herein, the Defendants, **OFFICER TIM LAY, Badge #104, OFFICER MARK KROENIG, Badge #105, OFFICER CLAYTON GREEN, Badge #140 and K-9 OFFICER JORDAN**, were acting under color of the statutes, ordinances, regulations, customs and usages of the CITY OF BELLEVILLE, County of St. Clair and State of Illinois.
5. That on June 29, 2016, the Plaintiff herein, **APRIL MOTT**, was peaceably conducting herself on the property located at 17 Beykirch, in the CITY OF BELLEVILLE, Illinois, when she was set upon by the Defendants, **OFFICER TIM LAY, Badge #104, OFFICER MARK KROENIG, Badge #105, OFFICER CLAYTON GREEN, Badge #140 and K-9 OFFICER JORDAN**, who then in turn proceeded to, physically with great force, restrain, arrest and detain the Plaintiff.
6. That on June 29, 2016, after the Plaintiff herein, **APRIL MOTT**, was restrained, arrested and detained, she was again set upon by the Defendants, **OFFICER TIM LAY, Badge #104, OFFICER MARK KROENIG, Badge #105, OFFICER CLAYTON GREEN, Badge #140 and K-9 OFFICER JORDAN**, who then in turn proceeded to, physically with great force, remove Plaintiff from OFFICER TIM LAY'S PATROL CAR, restrain the Plaintiff, including but not limited to, the use of a taser gun for approximately nine seconds multiple times and said Plaintiff, **APRIL MOTT**, was then and there again arrested and detained.
7. That the Defendants, **CITY OF BELLEVILLE**, through the establishment of the Belleville Police Department, and as the sole policymaker for the CITY OF BELLEVILLE Police Department, promulgated, adopted and/or put into effect the following policies, procedures and/or de facto customs which were in direct violation of 42 USC 1983, in direct contravention of the constitutionally guaranteed rights of all citizens of the United States to be free from unreasonable and unlawful searches of their person, and to be free from the use of excessive force, which were in force and in effect on June 29, 2017, in that they:
 - a. Allowed and encouraged the members of the Belleville Police Department to use excessive force, including the use of a taser gun, in situations that clearly do not require the use of said force;

- b. Allowed and encouraged members of the Belleville Police Department to arrest private citizens rightfully on private premises without first making a determination that probable cause existed for their arrest;
 - c. Allowed and encouraged members of the Belleville Police Department to arrest private citizens rightfully on private premises without first obtaining an arrest warrant;
 - d. Failed to require Belleville Police officers to make a detailed and thorough investigation of the circumstances surrounding their call to a private premises before entering upon said premises and placing a private citizen under arrest;
 - e. Encouraged and allowed members of the Belleville Police Department to taser suspects in the absence of exigent circumstances;
 - f. Encouraged or allowed members of the Belleville Police Department to engage in excessive and unnecessary force, including the use of a taser gun for approximately nine seconds multiple times in effectuating arrests and/or detainment.
8. That on the aforesaid date and aforesaid time and pursuant to the above mentioned policies, procedures and customs of Defendants, **CITY OF BELLEVILLE, OFFICER TIM LAY, Badge #104, OFFICER MARK KROENIG, Badge #105, OFFICER CLAYTON GREEN, Badge #140 and K-9 OFFICER JORDAN**, directly violated 42 USC 1983, and the Fourteenth Amendment of the Constitution, and specifically violated the Plaintiff's rights to be free from unlawful searches and seizures of his person and to be free from cruel and unusual punishment, in that they:
- a. Once on said premises, used excessive and unnecessary force in carrying out an improper arrest and/or detainment;
 - b. Entered upon the premises and improperly detained Plaintiff, then later used excessive force with a taser after Plaintiff was already restrained and confined to the back of a patrol car;
 - c. Handcuffed and falsely imprisoned the Plaintiff without first obtaining the requisite reasonable and/or probable cause or an arrest warrant;

- d. Arrested said Plaintiff without carrying out a reasonable investigation so as to obtain reasonable and/or probable cause for the arrest and/or detainment of said Plaintiff;
 - e. Once Plaintiff was detained and restrained, tasered, touched and otherwise assaulted said Plaintiff herein;
9. That Defendants, **CITY OF BELLEVILLE, OFFICER TIM LAY, Badge #104, OFFICER MARK KROENIG, Badge #105, OFFICER CLAYTON GREEN, Badge #140 and K-9 OFFICER JORDAN**, in the exercise of their police duties, which involved the proper enforcement of the rules and regulations and laws of the CITY OF BELLEVILLE, had a duty to exercise reasonable care so as not to invade or infringe upon the constitutional rights and privileges of the members of the public, including the Plaintiff herein.
10. That notwithstanding the aforesaid duty, the Defendants, **CITY OF BELLEVILLE, OFFICER TIM LAY, Badge #104, OFFICER MARK KROENIG, Badge #105, OFFICER CLAYTON GREEN, Badge #140 and K-9 OFFICER JORDAN**, and each of them, acted in the above ways that violated the Plaintiff's constitutionally guaranteed rights to be free from unlawful searches and seizures of his person and also to be free from the use of excessive force, in direct violation and/or contravention of his rights as guaranteed under the Fourteenth Amendment of the Constitution and 42 USC 1983.
11. By reason of the premises, on June 29, 2016, the Defendants, **CITY OF BELLEVILLE, OFFICER TIM LAY, Badge #104, OFFICER MARK KROENIG, Badge #105, OFFICER CLAYTON GREEN, Badge #140 and K-9 OFFICER JORDAN**, and each of them, without consent, without a warrant and/or reasonable and probable cause, used extreme force and unjustly arrested and used a taser gun on the Plaintiff herein.
12. That as a direct and proximate result thereof, Plaintiff was caused to and did sustain personal injuries of a severe and permanent nature, to incur medical and hospital expenses in endeavoring to be healed and cured of said injuries, and to be absent from his usual pursuits for significant periods of time; and, further, the

Plaintiff herein suffered emotional injuries for having been tasered for an extended period of time.

WHEREFORE, the Plaintiff, **APRIL MOTT**, requests judgment in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), against the Defendants, **CITY OF BELLEVILLE, OFFICER TIM LAY, Badge #104, OFFICER MARK KROENIG, Badge #105, OFFICER CLAYTON GREEN, Badge #140 and K-9 OFFICER JORDAN**, and each of them, together with the costs of this suit, together with the attorneys' fees associated with the prosecution of this lawsuit as authorized in 42 USC 1983.

COUNT II – BATTERY

NOW COMES the Plaintiff, **APRIL MOTT**, by and through her attorneys, **THE MUTRUX LAW FIRM**, and for Count II of his Complaint at Law against the Defendants, **OFFICER TIM LAY, Badge #104, OFFICER MARK KROENIG, Badge #105, OFFICER CLAYTON GREEN, Badge #140 and K-9 OFFICER JORDAN**, states as follows:

1. That on or about June 29, 2017, the Plaintiff, **APRIL MOTT**, was peaceably conducting himself at a private residence, located at 17 Beykirch Drive, in the CITY OF BELLEVILLE, State of Illinois, County of Cook.
2. That at all times pertinent hereto, the Defendants, **OFFICER TIM LAY, Badge #104, OFFICER MARK KROENIG, Badge #105, OFFICER CLAYTON GREEN, Badge #140 and K-9 OFFICER JORDAN**, and each of them, were citizens and residents of the County of St. Clair and State of Illinois, and were agents, employees and or/servants of the CITY OF BELLEVILLE, and in the course of said agency, servitude and/or employment, at all times material herein.
3. That at all times pertinent hereto, the Defendants, **OFFICER TIM LAY, Badge #104, OFFICER MARK KROENIG, Badge #105, OFFICER CLAYTON GREEN, Badge #140 and K-9 OFFICER JORDAN**, and each of them, at the

aforesaid place did then and there forcibly push and twist Plaintiff's person and then administrates a taser, without provocation and while Plaintiff was being taken into custody.

4. That at all times pertinent hereto, it was the duty of the Defendants, **OFFICER TIM LAY, Badge #104, OFFICER MARK KROENIG, Badge #105, OFFICER CLAYTON GREEN, Badge #140 and K-9 OFFICER JORDAN**, and each of them, to conduct themselves in a manner so as not to cause harm or injury to the Plaintiff.
5. That at the aforesaid time and place, the Defendants, **OFFICER TIM LAY, Badge #104, OFFICER MARK KROENIG, Badge #105, OFFICER CLAYTON GREEN, Badge #140 and K-9 OFFICER JORDAN**, and each of them, without the consent or permission of the Plaintiff, used excessive force to the Plaintiff's person and body, including but not limited to use of a taser gun, causing her severe and permanent injuries for which she has been required to seek medical and hospital care and attention; and, further, she has suffered great pain and mental anguish, disfigurement and disability, and has been impeded from attending to her usual and customary affairs and duties, and has lost great gains which she otherwise would have made and acquired.

WHEREFORE, the Plaintiff, **APRIL MOTT**, prays that this Honorable Court enter judgment in favor of the Plaintiff, **APRIL MOTT**, and against the Defendants, **OFFICER TIM LAY, Badge #104, OFFICER MARK KROENIG, Badge #105, OFFICER CLAYTON GREEN, Badge #140 and K-9 OFFICER JORDAN**, and each of them, in a sum of money in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), which will fairly and reasonably compensate him for any damages and injuries herein alleged, together with the costs of this suit.

COUNT III – FALSE IMPRISONMENT

NOW COMES the Plaintiff, **APRIL MOTT**, by and through his attorneys, **LAW OFFICES OF MEYER AND BLUEMNSHINE**, and complaining against the Defendants, **CITY OF BELLEVILLE, OFFICER TIM LAY, Badge #104, OFFICER MARK KROENIG, Badge #105, OFFICER CLAYTON GREEN, Badge #140 and K-9 OFFICER JORDAN**, for Count III of this Complaint at Law, states as follows:

1. That at all times pertinent hereto, the Plaintiff conducting herself at a private residence, located at 17 Beykirch Drive, in the CITY OF BELLEVILLE, State of Illinois, County of Cook, and was at all times civil and lawfully upon said public premises.
2. That at all times pertinent hereto, the Defendants, **OFFICER TIM LAY, Badge #104, OFFICER MARK KROENIG, Badge #105, OFFICER CLAYTON GREEN, Badge #140 and K-9 OFFICER JORDAN**, and each of them, were citizens and residents of the County of Cook and State of Illinois, and were agents, employees and/or servants of the **CITY OF BELLEVILLE** and Belleville Police Department and in the course and scope of said agency, servitude and/or employment, at all times material herein.
3. That on June 29, 2017, the Defendants, **OFFICER TIM LAY, Badge #104, OFFICER MARK KROENIG, Badge #105, OFFICER CLAYTON GREEN, Badge #140 and K-9 OFFICER JORDAN**, and each of them, did then and there come upon the private premises located at 17 Beykirch Drive, in the CITY OF BELLEVILLE, State of Illinois, County of Cook, and without provocation, without reasonable and/or probable cause and without any arrest or search warrant, violently placed Plaintiff in handcuffs.
4. Once handcuffed by the aforesaid Defendants, **OFFICER TIM LAY, Badge #104, OFFICER MARK KROENIG, Badge #105, OFFICER CLAYTON GREEN, Badge #140 and K-9 OFFICER JORDAN**, and each of them, with the aforesaid force and without any provocation or right, kept Plaintiff in handcuffs against the Plaintiff's will and contrary to the laws of the State of Illinois.

5. That Plaintiff, **APRIL MOTT**, was not guilty of the commission of any criminal offense and the Defendants, **CITY OF BELLEVILLE, OFFICER TIM LAY, Badge #104, OFFICER MARK KROENIG, Badge #105, OFFICER CLAYTON GREEN, Badge #140 and K-9 OFFICER JORDAN**, and each of them, did not, at the time of taking hold of the Plaintiff, or at any other time, have any probable or reasonable cause to believe Plaintiff was guilty of any criminal offense and at all times pertinent herein, Plaintiff was falsely imprisoned by Defendants and not free to leave the presence of the Defendants.
6. That by reason of the matter and things heretofore alleged, Plaintiff was and is greatly injured in his good name, credit and reputation and has brought into public disgrace, infamy and scandal among his neighbors and other citizens and Plaintiff has suffered, and will continue to suffer, great mental anguish and physical pain and has and will hereinafter be prevented from engaging in his normal and customary work and activities.

WHEREFORE, Plaintiff, **APRIL MOTT**, requests judgment against the Defendants, **CITY OF BELLEVILLE, OFFICER TIM LAY, Badge #104, OFFICER MARK KROENIG, Badge #105, OFFICER CLAYTON GREEN, Badge #140 and K-9 OFFICER JORDAN**, and each of them, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), plus the costs of this action.

Respectfully submitted,

THE MUTRUX LAW FIRM, LLC

BY: /s/ R. Tyson Mutrux

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